

IN RE: PETITION FOR ZONING VARIANCE
NW/Corner Butler Road and
Third Avenue
(211 Butler Road)
4th Election District
3rd Councilmanic District
Timothy L. Scott, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-177-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Timothy and Meredith Scott. The Petitioners seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Mr. & Mrs. Scott appeared at the hearing on behalf of the Petition. No Protestants appeared at the hearing, however, a letter of opposition was received from Barbara Whitman, President of Historic Glyndon, Inc. (HGI). Said letter states that HGI is opposed in theory to the development of lots which are smaller than County standard requirements. However, the letter further states that because the subject property is not in Glyndon and because the request for feedback was an informal one, the Board of HGI provided a consensus rather than a vote.

Testimony and evidence revealed that the subject property, known as 211 Butler Road, consists of .25826 acres, more or less, zoned D.R. 3.5 and is located at the northwest corner of Butler Road and Third Street. It is to be noted that the subject property is not located in historic Glyndon. The Petitioners are desirous of developing the property with a two-story frame dwelling as their principle residence. By virtue of the

fact that the subject property is a corner lot, greater setback requirements are imposed on the proposed development and as a result, the requested variance is necessary. The Petitioners are desirous of having the proposed dwelling face Butler Road in order to keep the appearance of the house in conformance with other houses along Butler Road. For aesthetic reasons, it would be better for the proposed dwelling to face Butler Road in order to provide an acceptable streetscape along Butler Road. Testimony also revealed that the subject lot in and of itself, is buildable and meets all County standards concerning its size. Therefore, this is not a situation where an individual is attempting to improve a lot which does not meet County standards. The Petitioners merely wish to orientate the subject dwelling so that it faces Butler Road along with other houses along that road for conformity.

The Petitioner presented this Deputy Zoning Commissioner with building plans for the proposed dwelling. These plans were accepted into evidence as Petitioner's Exhibit 3. The Petitioners propose to construct the dwelling depicted in Petitioner's Exhibit 3 and have no intentions of building any other type of house. Based on my review of the subject plans, it appears that this type of dwelling will fit very nicely into the community. Therefore, the relief granted herein is contingent upon Petitioners constructing a dwelling in accordance with that depicted in Petitioner's Exhibit 3 and the Petitioners shall comply with the design standards stated in those plans.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of February, 1993 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed dwelling shall be constructed in accordance with the design plans accepted into evidence as Petitioner's Exhibit 3. The Petitioners shall not be permitted to deviate from said plan unless such deviation is brought to the attention of this Deputy Zoning Commissioner and written approval is given for same.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/19/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 2/19/93
By [Signature]

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Date 2/19/93
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ORDER RECEIVED FOR FILING
Date 2/19/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 19, 1993

(410) 887-4386

Mr. & Mrs. Timothy L. Scott
307 Butler Road
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
NW/Corner Butler Road and Third Avenue
(211 Butler Road)
4th Election District - 3rd Councilmanic District
Timothy L. Scott, et ux - Petitioners
Case No. 93-177-A

Dear Mr. & Mrs. Scott:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco

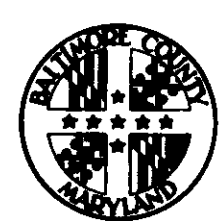
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Barbara C. Whitman, President
Historic Glyndon, Inc., Glyndon, Md. 21071

People's Counsel

File



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 211 BUTLER ROAD
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A SIDE YARD SETBACK OF 15 FT IN LIEU OF THE REQUIRED 30 FT. 15 FT 15 FT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) THE PROPERTY WAS PURCHASED SO MY FAMILY & I COULD BUILD OUR PRIMARY RESIDENCE. AFTER BEING TOLD THE ZONING WAS DR 3.5, WE OBTAINED THE NECESSARY AMOUNT OF BLUEPRINTS FOR A HOUSE THAT WAS IN-KEEPING WITH THE NEIGHBORHOOD. WE LATER FOUND OUT THAT BECAUSE THE PROPERTY IS A CORNER LOT, THE SETBACKS ARE GREATER THAN WE WERE TOLD. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertisement, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(We do hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Zipcode

Signature

Address

City

State

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**Baltimore County
Zoning Administration &
Development Management**
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4180
Number

11/29/92 H9300186

PUBLIC HEARING FEE CITY PRICE
\$50.00

OLD ZONING MAP FEE CITY PRICE
\$50.00

LAST NAME OF OWNER: SCOTT

0404#0063WCHRC \$50.00
BA 001123AM11-24-92

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County
Zoning Administration &
Development Management**
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4190
Number

12/1/92 H9300192

PUBLIC HEARING FEE CITY PRICE
\$61.02

OLD POSTING SIGNS ADVERTISING CITY PRICE
\$61.02

LAST NAME OF OWNER: SCOTT

0404#0063WCHRC \$61.02
BA 001123AM11-24-92

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Government
Office of Zoning Administration
and Development Management**

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 12/14/92

Timothy and Meredith Scott
307 Butler Road
Reisterstown, Maryland 21136

RE: CASE NUMBER: 93-177-A (Item 186)
307 Butler Road and Third Avenue (aka Scribe Drive)
211 Butler Road
4th Election District - 3rd Councilmanic
Petitioner(s): Timothy Leonard Scott and Meredith Lee Scott
HEARING: THURSDAY, JANUARY 7, 1993 at 9:30 a.m. in Room 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$61.02 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

**Baltimore County Government
Office of Zoning Administration
and Development Management**

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-177-A (Item 186)
307 Butler Road and Third Avenue (aka Scribe Drive)
211 Butler Road
4th Election District - 3rd Councilmanic
Petitioner(s): Timothy Leonard Scott and Meredith Lee Scott
HEARING: THURSDAY, JANUARY 7, 1993 at 9:30 a.m. in Room 106, County Office Building.

Variance to permit a side yard setback of 15 feet in lieu of the required 30 feet.

Arnold Jablon
DIRECTOR

cc: Timothy and Meredith Scott

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**Baltimore County Government
Office of Zoning Administration
and Development Management**

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

December 29, 1992

Mr. and Mrs. Timothy Leonard Scott
307 Butler Road
Reisterstown, MD 21136

RE: Case No. 93-177-A, Item No. 186
Petitioner: Timothy Leonard Scott, et ux
Petition for Variance

Dear Mr. Scott:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**Baltimore County Government
Office of Zoning Administration
and Development Management**

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 24th day of November 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Timothy Leonard Scott, et ux
Petitioner's Attorney:

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: December 14, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for December 14, 1992
Item No. 186

The Developers Engineering Division has reviewed the subject zoning item. The variance request should be revised to reduce the setback by five feet to allow for a future five-foot right-of-way widening.

RWB:DAK:s

**SHA Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 9186
Timothy Leonard Scott & Meredith Lee Scott

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David A. Ramsey 12/14/92
John Constabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Subsponsible for Improved Hearing of Speech
363-7586 Baltimore Motor - 303-4401 D.C. Motor - 1-800-485-0825 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-0717

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 9, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 23, 1992 and December 7, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Rascoe Phipps, Item No. 166
Goldenwood Associates, Item No. 175
Franks Silver Hill, Inc., Item No. 180
Timothy and Meredith Scott, Item No. 186
Beatry and Enrique Clausen, Item No. 189
Shirley and Ronda Swab, Item No. 190

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: Ervin McDaniel

EMcD/FN:rdm

180. ZAC/ZAC1

Development Review Committee/Responsible Party		Project Management	12/18/92
Authorized signature			Date 12-21-92
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Albert J. And Marlene C. Riggio		195	12-14-92
DED DEPRM RP STP TE			No comments
✓ Rikir		196	
DED DEPRM RP STP TE			No comments
Benjamin J. and Judy B. Hassan		197	
DED DEPRM RP STP TE			In process
Ronald and Shelley Seff		198	
DED DEPRM RP STP TE			In process
COUNT B			
Preakness Silver Hill, Inc.		180	12-7-92
DEPRM RP			In process
Satyr Limited Partnership		184	
DEPRM RP STP			In process
✓ Timothy L. and Meredith L. Scott			No comments
DEPRM RP			
Frank and Joan Eck		187	
DEPRM RP STP			In process
Federal Realty Investment Trust		188	
DEPRM RP STP			In process
Beatriz H. and Enrique R. Clausen		189	
DEPRM RP			written comments
Shirley A. and Ronda J. Swab		190	
DEPRM RP STP			In process

JP/KEK

Rec'd 12/7/92

cc: Meredith Scott

RECEIVED ZONING OFFICE
DATE: 01/12/93 AJS

c.c.: Mrs. Meredith Scott

RECEIVED ZONING OFFICE
DATE: 11/3/93 JH

Barbara C. Whitman
Barbara C. Whitman

cc: Mrs. Meredith Scot

RECEIVED
FEB 18 1993
ZONING OFFICE

PETITIONER(S) SIGN-IN SHEET

NAME
Timothy Scott
MEREDITH Scott

ADDRESS
307 Butler Road
307 Butler Rd.



Macks Homes
QUALITY FOR GENERATIONS

6615 Reistertown Road
Suite 205
Baltimore, Maryland 21215
tel: (301) 358-4934
fax: (301) 358-5071

THE BRISTOL

"H" HOUSE

FIRST FLOOR 1025 SQ. FT.
SECOND FLOOR 918 SQ. FT.
TOTAL 1943 SQ. FT.

FLOOR FRAMING TO BE 2 x 10 FLOOR JOISTS AT 16" o.c.,
S.P.F. #2 F5 1000 p.s.i. KILN DRIED

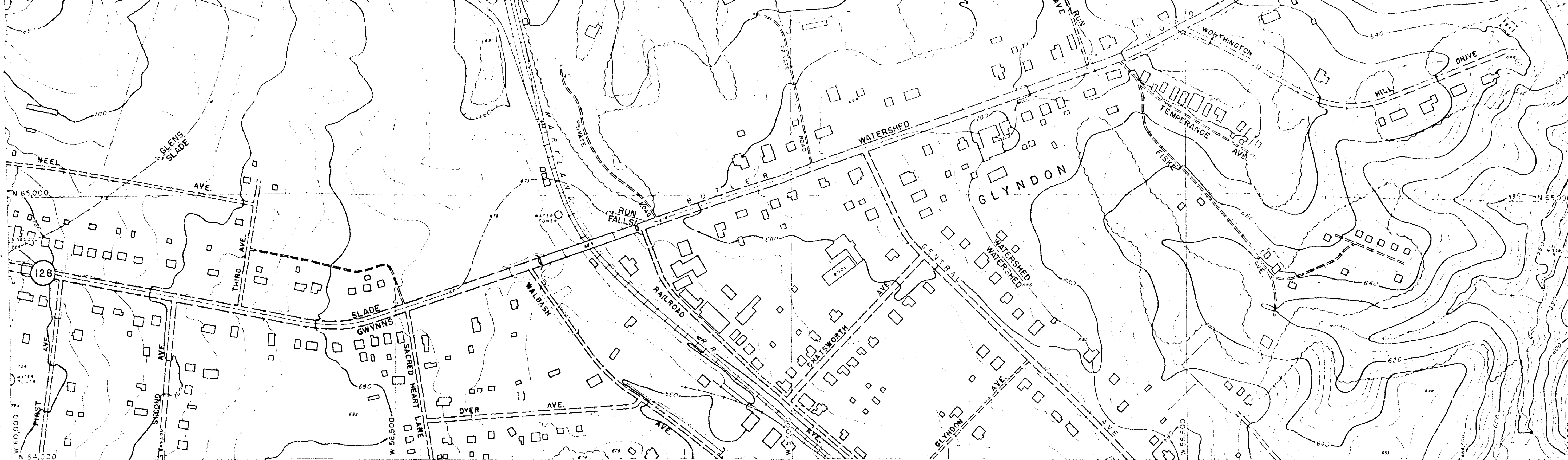
INDEX

sheet	drawing
1.	TITLE SHEET
2A.	ELEVATIONS - SIDE ENTRY GARAGE
2B.	" - FRONT ENTRY GARAGE
2C.	" - CONTINENT-PARTY
3A.	FOUNDATION PLAN/FINISHED LOWER LEVEL
7.	FIRST FLOOR PLAN
8.	SECOND FLOOR PLAN
9.	SECTION "A-A"
10.	SECTION "B-B"
11.	FF FRAMING PLAN
12.	SF FRAMING PLAN
13.	ROOF FRAMING PLAN - GABLE ROOF
14.	" " " - HIP ROOF
15.	FF HVAC PLAN
16.	SF HVAC PLAN
17.	FF ELECTRIC PLAN
18.	SF ELECTRIC PLAN
19.	WALL SECTIONS - BRICK/SIDING
20.	WALL SECTION - SIDING W/BRICK BASE

REVISIONS

date	comments
7-11-91	PRELIMINARY PLANS
7-22-91	#1 EXTERIOR HANDS / CHECK SET
7-23-91	ISSUE - SUBSTANTIAL COMPLETION
8-12-91	GENERAL REVISIONS / MARK-UP REV.
8-21-91	MISCELLANEOUS
11-11-91	REVISED WINDOW SIZES
7-10-92	LONG REAR FOUNDATION

ARCHITECTURE COLLABORATIVE
5101 South Rolling Rd. tel: (301) 247-8643
Baltimore, MD 21227 tel: (301) 247-4984

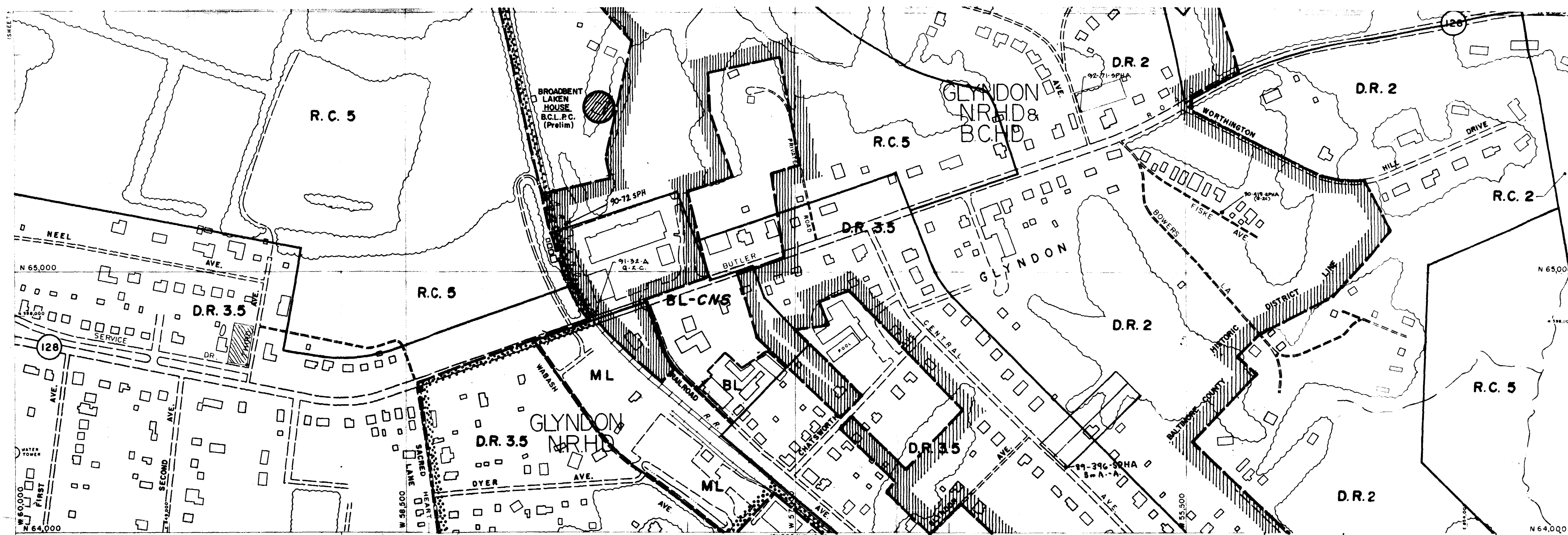


X-SE W-SW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'	GLYNDON REISTERSTOWN AREA	N.W. 17-J
DATE OF PHOTOGRAPHY APRIL 1953					
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION PHILADELPHIA, PA.					

93-177A



X-SE W-SW

186

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Ord. No. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	GLYNDON REISTERSTOWN AREA	N.W. 17-J
DATE OF PHOTOGRAPHY JANUARY 1986		

93-177A